IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1369 OF 2006

Mr. Nikhil Surendra Tiwari & Anr. ...Petitioners
Vs.
The State of Maharashtra & Ors. ...Respondents

Mr. R.K.Pandey with Mr. A.K. Prajapati for the Petitioners
Mrs. S.D. Shinde, A.P.P for the State
Mr. C.R. Sonawane for the Respondent No.3

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 28TH SEPTEMBER, 2006

P.C.

1. This Petition has been filed by one Nikhil Tiwari through his father and guardian Surendra Thakur Tiwari / Respondent No.3 in this Court seeking that the proceedings in Crime No.162 of 2006 be called by this Court and after examining the same be quashed. In support of his Petition the Petitioner also included the communication from the Respondent No.3 addressed to the Senior Inspector of Police that they have settled the matter.

2. We have issued notice to Respondent No.3 Kum. Priya

Julio Desa, who is personally present in the Court with her Advocate. The learned Counsel appearing for the Respondent No.3 submits that the Respondent No.3 has not withdrawn her complaint or compounded the allegations. On the other hand her mother has been threatened with dire consequences by the Petitioner No.2 of which report has been made to Versova Police Station which has registered it as an NC complaint No.1077 of 2006 for the offence under Section 506 of IPC on 13th June, 2006 at 23.15 hours.

3. It appears that the Petitioner has stood by his juvenile son who has teased and abused Respondent No.3. Such Petitioners do not require any consideration from this Court. On the other hand we fail to understand as to why Senior Police Inspector, Versova Police Station has not taken preventive steps against the Petitioners so that the Respondent No.3 and her family is assured and protected from the Petitioners or any persons at their behest. We make it clear that in case the Respondent NO.3 or her family members are threatened or harmed in any manner we will hold the Respondent No.2 responsible for inaction on his part.

4. With these directions we dismiss the Petition with cost which we quantify as rs.10,000/-. The cost be deposited in this Court within a period of 4 weeks and on such deposit of

cost the same be paid to the Respondent No.3.

5. If the cost is not deposited as directed, the same be recovered as fine from Petitioner No.2 by the Collector by resorting to the provisions of the Maharashtra Land Revenue Code and after the cost is so recovered, the same be paid to the Respondent No.3.

6. A.P.P to communicate this order to the Senior Police Inspector, Varsova Police Station, Mumbai.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)